

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EUGENE SCALIA,¹
Acting Secretary of Labor,
Plaintiff

v.

EAST PENN MANUFACTURING CO.,
Defendant

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CIVIL ACTION

No. 18-1194

ORDER

AND NOW, this 7th day of January, 2020, upon consideration of the Secretary's Motion for Sanctions for Defendant's Expert's Willful Destruction of Material Evidence (Doc. No. 138), the Secretary's Motion to Compel, and Preclude the Use of, Surveillance Camera Videos (Doc. No. 139), East Penn's Motion to Depose Dr. Robert Radwin for an Additional Day (Doc. No. 141), the Responses in Opposition (Doc. Nos. 142-144), and East Penn's Reply in Support of its Motion to Depose Dr. Robert Radwin for an Additional Day (Doc. No. 146), it is **ORDERED** that:

1. The Secretary's Motion for Sanctions for Defendant's Expert's Willful Destruction of Material Evidence (Doc. No. 138) is **DENIED**;
2. The Secretary's Motion to Compel, and Preclude the Use of, Surveillance Camera Videos (Doc. No. 139) is **GRANTED IN PART and DENIED IN PART** as follows:

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Acting Secretary of Labor Eugene Scalia is substituted for R. Alexander Acosta as the plaintiff in this action.

- a. East Penn shall produce any footage from the cameras it installed in its plants on or about May 4, 2019 in anticipation of litigation that East Penn has not already produced.
 - b. East Penn is not precluded from using surveillance camera videos at trial.
3. East Penn's Motion to Depose Dr. Robert Radwin for an Additional Day (Doc. No. 141) is **GRANTED**. East Penn may depose Dr. Radwin for one additional day of seven hours.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE